



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

SDMS Document ID



2034429

MAY 1 2000

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Timothy Snider, President
Phelps Dodge Mining Company
2600 N. Central Avenue
Phoenix, AZ 85004

Re: Request For Information Pursuant to
Section 104 of CERCLA for the Gilt Edge Mine Site
located in Lawrence County, South Dakota

Dear Mr. Snider:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Gilt Edge Mine Site located about 4.5 mile south of Lead, South Dakota, hereinafter referred to as "the Site". This investigation requires inquiry into the identification, nature and quantity of materials that have been or are generated, treated, stored or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. EPA has information indicating that in the late 1970's or early 1980's Amoco Minerals and/or Cyprus Minerals, both now believed to be a part of Phelps Dodge, conducted operations at the Site. Specifically, it appears that an exploration decline was driven into the orebody below what is called the Dakota Maid Pit, that ore was extracted, and that a test heap leach pad was constructed and operated.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Compliance with the Information Request set forth in Enclosure 1 is mandatory. Failure to respond fully and truthfully to the Information Request within fourteen (14) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties up to \$27,500 for each day of continued noncompliance. Please be further advised that provision of false,



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fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
David L. Broste
Technical enforcement Program, 8ENF-T
999 18th Street, Suite 500
Denver, Colorado 80202-2466

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Suzanne Bohan, Attorney, Legal Enforcement Program at (303) 312-6925. David Broste is also available to discuss this request at (303) 312-6209.

Thank you for your cooperation in this matter.

Sincerely,



Sharon Kercher, Director
Technical Enforcement Program,
Office of Enforcement, Compliance
and Environmental Justice

Enclosures



**GILT EDGE MINE SITE
INFORMATION REQUEST**

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 USC 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 USC 6927(b), and 40 CFR 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.



Definitions

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The terms "you" or "Respondent" shall mean the Phelps Dodge Mining Company, and its predecessors, successors, parent companies, subsidiary companies, officers, and directors, specifically including Amoco Minerals and Cyprus Mining.
2. The terms "Site" or "facility" shall mean that location within Sections 5, 6, 7, and 8, Township 4 North, Range 4 East in Lawrence County, South Dakota known as the Gilt Edge Mine Site.
3. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
4. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
7. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.



- ✓10. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
11. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
- ✓12. The terms "document" and "documents" shall mean any written, recorded, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
13. The term "ore" shall be interpreted to mean all rocks and minerals (including soils, sands and gravels) which contain gold, silver, lead, zinc, copper, cadmium, chromium, aluminum, iron, molybdenum, arsenic, platinum, uranium, vanadium or radium.
14. The term "property interest" means any interest in property including, but not limited to, any ownership interest, including an easement or right of way, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of trust that owns or rents, or owned or rented property.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq.; RCRA, 42 U.S.C. §§ 6901 et seq.; or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq. respectively, in which case the statutory or regulatory definitions shall apply.



QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Describe the operations the Respondent conducted at the Site including the following:
 - a. The dates of operation,
 - b. The physical changes made to the Site,
 - c. The mining and mineral processing activity conducted at the Site, and
 - d. The activities taken upon cessation of operations at the Site related to reclamation and restoration.
5. Describe and where available, provide maps and construction drawings that describe the physical characteristics of the Site and all changes that you made at the Site including but not limited to the following:
 - a. Surface structures (e.g., buildings, tanks, etc.).
 - b. Exploration drill holes, ground water wells, including drilling logs.
 - c. Shafts, adits, and tunnels or other excavations.
 - d. Ore repositories, heap leach pads, and mine waste impoundments.
 - e. Roads
6. Describe all waste materials that resulted from Respondent's operations at the Site including, but not limited to, waste rock, tailings, spent ore, and treatment plant sludges. State the quantities produced of each such waste. Describe where each such waste was disposed of. Identify any hazardous substances



contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.

7. Provide copies of any and all permits issued by State or Federal agencies related to Respondent's operations at the Site.
8. Identify the persons that held recorded title to the Site during the period of Respondent's operations at the Site. If that party is you, provide the following information:
 - a. The date you acquired the property;
 - b. Identify the party from whom you acquired the property;
 - c. Provide a copy of the deed or other instrument by which you acquired the property.
9. Describe Respondent's interest in the property at the Site. If Respondent leased the property, provide copies of all lease agreements.
10. Provide all existing technical or analytical information in your possession about the Site, including, but not limited to, data and documents related to soil, water (ground or surface), geology, geohydrology or air quality on and about the Site.
11. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
12. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.



NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age,
hereby state:

1. I am the person authorized by _____
to respond to the Environmental Protection Agency's (EPA's) request for information
concerning the Gilt Edge Mine Site located in Lawrence County, South Dakota.
2. I have made a complete and thorough review of all documents, information, and
sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and
contains all information and documents responsive to the request.

(Signature) (Name, Title)

(SEAL)

Subscribed and sworn to me
this ____ day of _____, 2000.

Notary Public

My Commission Expires _____

My address is _____



ROUTING AND TRANSMITTAL SLIP

Date

12/13/05

TO: (Name, office symbol, room number,
Building, Agency/Post)

Initials

Date

1. Teresa Armentrout -
EPR-PS

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Gilt Edge - Use
to be Stephen's site.
Is this yours now?
THX!

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Sharon A.

Phone No.

6957

5041-103

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OPTIONAL FORM 41 (Rev. 1-94)

Prescribed by GSA